ATTORNEY DOCKET NO.   PATENT APPLICATION
064731.0346   USSN 10/609,332
(P-278US-1)

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 9, 2007. Claims 1-31 are pending in this application. Claims 1-31 are rejected. Claim 31 has been amended. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Allowable Subject Matter

Applicants note with appreciation the indication by the Office Action that Claim 7 would be allowable if rewritten in independent form. Applicants have not rewritten Claim7 in independent form because Applicants believe independent Claim 1, from which Claim 7 depends, is allowable at least for the reasons discussed below.

Applicants also note that the Office Action does not reject Claims 2 and 10 and does not provide any references that disclose, for example, "directing the at least one existing node to ignore the at least one identifier," as recited in Claims 2 and 10. For at least this reason, Applicants respectfully submit that Claims 2 and 10 are allowable. Favorable action is requested.

Section 103 Rejections

The Office Action rejects Claims 1, 4, 5, 6, 8, 9, 12, 13, 14, 18, 19, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 20040179518 issued to Bruckman et al ("*Bruckman*") in view of U.S. Patent No. 5,629,940 issued to Gaskill ("*Gaskill*"). Claims 3, 11, 17, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruckman* and *Gaskill* as applied to Claims 1 and 8 above, and further in view of U.S. Patent No. 6,625,165 issued to Krishnamoorthy, et al. ("*Krishnamoorthy*"). Claims 15, 16, 20, 21, 23, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruckman* and in view of U.S. Publication No. 20040223451 issued to Homma et al. ("*Homma*") and *Gaskill*. Claims 22 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruckman* and *Homma* and *Gaskill* as applied to Claims 23 and 31 above, and further in view of U.S. Patent No. 6,534,997 issued to Horishita ("*Horishita*"). Applicants respectfully traverse these rejections for at least the reasons described below.

Claim 1 is allowable at least because the cited references do not teach or suggest "transmitting data in a second frame from the first node to the second node, the second frame having a number of second time slots equal to M, wherein M is an integer greater than N and the data occupies a number of the second time slots of the second frame equal to N." On Page 3, the Office Action cites Paragraphs 73 and 75 of *Bruckman* as meeting this limitation, but this is incorrect. *Bruckman* is directed toward performing a hardware upgrade of a network to upgrade the communication rate. *See Bruckman*, Paragraph 9. The cited portion merely describes upgrading a segment of a network from OC-48 cards to OC-192 cards. *See Bruckman*, Paragraph 75. The Office Action alleges that the "second frame refers to the frame transmitted after the upgrade." See Office Action, Page 3. However, even assuming for the sake of argument that the frame of *Bruckman* has N time slots before the upgrade and M time slots after the upgrade, *Bruckman* still fails to teach or suggest occupying N time slots of the upgraded frame with data. Stated differently, *Bruckman* does not teach or suggest **occupying N out of M time slots of a frame with data**; indeed, doing so in *Bruckman* would undermine the upgrade of *Bruckman*. For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom.

Claims 8, 16, 23, and 31 are allowable for analogous reasons. For example, Claim 8 recites "the node operable to transmit a second frame at the higher rate, the second frame having a higher number of time slots than the first frame" and "occupying a number of the time slots of the second frame equal to N using data to be received by at least one of the existing nodes." As discussed above, the upgrade process disclosed in *Bruckman* does not teach or suggest **occupying N time slots of a frame with data, where the frame has a higher number of time slots than N**. As another example, Claims 16, 23, and 31 each recite "a switch unit coupled to the bit transmission unit, the switch unit operable to generate a pattern of data that fills a number of the time slots of the second frame equal to N and to send the pattern of data to the bit transmission unit." Once again, *Bruckman* does not teach or suggest **generating a pattern of data that fills N time slots of a frame, where the frame has a higher number of time slots than N**. For at least these reasons, Claims 8, 16, 23, and 31 are allowable, as are all claims depending therefrom. Reconsideration and favorable action are requested.
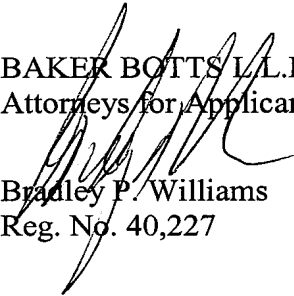
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Although Applicants believe no fees are currently due, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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